Denouncing historical ‘misfortunes'

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Denouncing Historical "Misfortunes": From Passive Injustice to Reflective Spectatorship[i]

Introduction

Denunciations refer to public statements of condemnation targeting unjust acts, practices, institutions, or persons. Typically, they occupy positions on a continuum between "a social critique that points out an injustice in its most general aspect without necessarily calling for reparations" and "an individual critique that targets an individual, in the sense of denouncing someone to the authorities for the purpose of having a sanction applied."[ii] They are usually proclaimed in the name of the common good of the relevant community. Due to their prominence as weapons of political control within non-democratic regimes (e.g. Communist regimes in Eastern Europe, Nazi Germany), as convenient mechanisms for eliminating political enemies and stifling dissent during revolutionary moments (e.g. revolutionary France, Maoist China), and as expressions of "public disgust" towards various groups (e.g. homosexuals, heretics), denunciations have a bad reputation. Often hailed as a virtuous civic act, denunciations have too easily and too often degenerated into delation: a self-interested, abusive, "civil homicide".[iii]

While denunciations have greatly preoccupied historians,[iv] political theory has been rather silent on the topic. This paper seeks to contribute a theoretical account of such practices. It argues there is nothing intrinsically problematic with denunciations: when oriented by a commitment to the guiding principles of constitutional democracies and

resonating in the wider society they can kick-start important political debates. I will not address denunciations of individuals by individuals directed to the authorities for the purpose of punishment.[v] Instead, I focus on the harder case of denunciations that target complex injustices, i.e. injustices that involve, beyond the direct perpetrators, many who allowed or even condoned the abuses in the past and who now benefit from turning a blind eye. Such injustices are, more often than not, invisible: they seldom feature as "injustices" in political debates. I argue that, in re-politicising previously neutralised areas of social life, legitimate acts of condemnation can play a crucial critical role: they can raise awareness and fuel important public debates over how pervasive injustices reproduce unimpeded. Given the invisibility of complex injustices and the entrenched portrayal thereof as "misfortunes", I argue that denunciations can be vehicles for communicating democratic interpellations: they can invite the passive onlooker to take a position regarding the plight of the victims of "misfortune", thus becoming a reflective spectator who can think politically and consider various forms of political redress.

While denunciations can target a multitude of invisible systemic injustices and can take a variety of forms, this paper deals with the particular case of societies with a past of political violence and analyses two theatrical denunciations. In order to avoid taking responsibility for the plight of victims, many societies re-describe the past in the language of "tragedy", "catastrophe", "necessity", or simply "misfortune." Thus, a serious reckoning with those aspects of the culture that made abuses possible place is obfuscated. The paper focuses on how condemnations communicated through the medium of theatre – professional or amateur – can help the passively unjust onlookers see beyond the language of "misfortune."

The paper begins with Judith Shklar's correct diagnosis of an important pathology marring constitutional democracies today: complex injustices often passing as "misfortunes" that nobody is responsible for. Conveniently protected by such language, politicians and

citizens turn their eyes away from suffering, thus contributing to the reproduction of injustices across generations. Building on Shklar's account of passive injustice, I conceptualise denunciations as one possible way of fulfilling one's civic duty to condemn the suffering to which everyone turns a blind eye. Provided denunciations are oriented by liberal democratic principles, they can help promote accountability and societal reflection over the past and its relation to the future (Section I). However, in order to be effective, denunciations must also reverberate in the community. I argue that denunciations communicated in the language of theatre can be particularly powerful. Taking Hannah Arendt's views on spectatorship as a starting point, this paper argues that denunciatory theatre can reveal the political nature of "misfortunes" and invite the public to reflect (Section II). In view of illustrating my argument, I first examine the Argentinean practice of *escraches* – public denunciatory performances meant to "uncover" criminals and, more importantly, to provoke the indifferent onlookers to think politically. The street enactments targeted the amnestied henchmen of the military regime that governed the country between 1976 and 1983 and confronted the complacent public for whom impunity had become normal (Section III). Next, I present Thomas Bernhard's theatre piece *Heldenplatz* – another political denunciation expressed in artistic language. The piece targeted a nation's hypocritical embracing of a convenient lie about a historical "catastrophe": the lie that Austria had been Hitler's first victim in World War II (Section IV). Both cases will be analysed with a view to highlighting theatrical denunciations' role in triggering important debates about neutralised injustice. I will then try to derive the lessons these two examples can teach us in terms of the role that public condemnations can play in a democracy (Section V).

I. Passive Injustice

The importance of the regulative function that moral outrage by victims and witnesses can perform publicly constitutes the focus of Judith Shklar's account of citizen duties in her seminal *The Faces of Injustice*.[vi] No theory of justice is complete without an account of the experience of injustice, and, since she considers political action motivated by proper indignation to be the marker of good citizenship, her main purpose is to distinguish injustices from misfortunes. Injustice covers the realm of the social and the controllable and constitutes an appropriate occasion for public outrage and condemnation. Misfortunes, on the other hand, being unavoidable or natural, do not justify any form of retaliation. Sadly, many injustices are often portrayed as misfortunes, i.e. as nobody's fault or responsibility. While the line between the two is a political line – and a difficult one to draw – Shklar argues that it is important to give everyone a hearing and find ways to promote accountability within a constitutional democracy. This implies criticising citizens and officials when they turn their eyes away from suffering or when they start talking of misfortune – when they really should be talking of injustice: "the difference between misfortune and injustice frequently involves our willingness and our capacity to act or not to act on behalf of the victims. To blame or to absolve, to help, mitigate and compensate or just to turn away."[vii] And that, she thinks, amounts to injustice.

For Shklar, actively violating the norms of our society – written and unwritten – is not the only form of injustice plaguing constitutional democracies. A more insidious form of injustice involves failing to prevent or report inequities and injuries when we witness them:

> ... by passive injustice I do not mean our habitual indifference to the misery of others, but a far more limited and specifically civic failure to stop public and private acts of injustice … As citizens we are passively unjust when we do not report crimes, when we look the other way when we do see cheating and minor thefts, when we tolerate

> political corruption, and when we silently accept laws that we regard as unjust, unwise or cruel.[viii]

The duty to stop and call injustices around us is not a requirement of charity or human goodness, of heroism or supererogation. It is a civic duty, a duty of all citizens to help reproduce the ethos that makes democratic institutions possible. The passively unjust person remains silent because she deems speaking too costly. In order to avoid legal liability, social opprobrium, political repercussions or her own pangs of conscience, she calls injustices "misfortunes." In doing so, she neutralises any attempt to debate politically about misfortunes, thus becoming a "morally deaf and disassociated"[ix] onlooker. Consequently, victims are often invisible because the injuries they suffer are not thought of as injuries: their perspective is not taken into account. Many "unfortunate" victims are left out, silenced and disappointed. The examples Shklar gives in her book range from the simplest scenarios to the most complex patterns of passive injustice, involving onlookers who tolerate unjust laws and portray preventable injustices as "misfortunes" or "disasters". Market generated injustices, war crimes, and gender-based injustices are just three examples of abuses neutralised by references to "invisible hands", "necessity", and "nature", outside the scope of the political. Consequently, no inclusive debate over potential remedies is possible.

The capacity to identify injustice needs to be supplemented by a desire to act on one's assessments and speak out publicly. Of course, our outraged sense of justice can be misguided – oversensitive, lacking proof or solid arguments, or undemocratic. What is more, the indignant might turn out to be dangerous fanatics. The only way to know whether public anger is legitimate is to allow everyone to voice their concerns in inclusive political deliberations.

The biggest problem, however, is the laziness of the sense of justice: the failure to think politically about injustices, Shklar says, is typical of the citizens of constitutional

democracies, who enjoy its benefits but do nothing to contribute to its promise. Not acting on one's sense of injustice goes against the minimal ethos all democracies seek to cultivate in their citizens. And this is ever so troubling since, in contrast with the citizens of oppressive regimes, citizens of democracies always enjoy opportunities to freely condemn injustice.

With Shklar, this paper argues that public expressions of outrage and condemnation can contribute to the health of democratic societies. Unlike indifference and apathy, outrage reminds us of the perpetually imperfect nature of legitimation processes. In the sections that follow I try to show how public denunciations represent one among many possible courses of action that citizens can adopt in fulfilling their duty not to be passively unjust. Denunciations can offer an alternative perspective to the depoliticising common sense and stimulate political deliberations. But, in order for denunciations to count as legitimate, they must be based on a correct assessment of the denial of equality. Self-righteous, unduly moralising, and disproportional responses – responses that deny the unjust their own equal moral personhood – are not democratically appropriate. Defamatory denunciations, denunciations that incite to violence or hatred, and denunciations that scapegoat are just a few examples of the kind of practices that are incompatible with democratic principles. While denunciation can be a powerful force of social change, it can also serve undemocratic purposes. However, if motivated by a concern with what is owed to everyone as a member of the political community and expressed in ways that reverberates in the audience, it can stimulate important debates and catalyse institutional redress.

Denunciations can target both active and passive injustice, yet their task is much more difficult when targeting injustice that has become invisible by neutralisation. Legitimate denunciations are not always successful: they often fail to reach their audiences and start political debates. What form should denunciations take to be effective? Is law an appropriate language when the injustices are not even considered illegal? Catherine MacKinnon and

Andrea Dworkin's anti-pornography ordinances or Nkosinathi Biko's challenge of the South African TRC arguably constitute legal denunciations. What about art, the destruction of art or books? Pussy Riot's interventions and the mutilation of a figure in a statue glorifying King Leopold's colonial policy are examples of denunciations of systemic injustice involving art. Michelle Alexander's book *The New Jim Crow* recently provoked important reactions in the US. What about the standing of the denunciator? According to Shklar, all citizens have standing to talk when they see abuses. But who is likely to be listened? The profile of the speaker greatly influences the chances of "success." Charisma, good choice of stories, mastery of the language the public is likely to react to, attention to the timing, the media exposure and the venue where the denunciation is made public, these are all variables to be factored in when making a denunciation.

In what follows I build on Arendt's account of stories as important mechanisms for cognitively and morally grasping unprecedented atrocities. Section II will aim to show that denunciatory stories can also reveal the political character of injustices and confront those who conveniently embrace the language of "misfortune". I argue that storytelling can re-politicise previously depoliticised areas of human interaction and invite citizens to change from passive onlookers into reflective spectators.

II. From Passive Onlookers to Reflective Spectators

This section looks into Arendt's views on storytelling as a product of, and an invitation to, reflective spectatorship.[x] Interpreters of Arendt tend to agree that stories play a double role in her work. First, storytelling features as a preferred method for Arendt the political theorist facing unprecedented moral and epistemic challenges: the Holocaust and totalitarianism.[xi] Secondly, stories about particular situations or events represent reflective judgments that can

open our eyes and get the public thinking. They can provoke our reflection much more efficiently than philosophical arguments.[xii]

Arendt's views on critical spectatorship and storytelling emerge from many sources. First, she tries to come to grips with the historically unprecedented crimes of Stalinism and Nazism. Good stories are disclosive as their use of language shocks us in ways that reveals new meanings. She argues that our inherited categories of thought are useless for our efforts to grasp these crimes cognitively and morally. New categories, derived from within the particular experience of the 20th C violence, are better at capturing the novelty of these crimes. The spectator's judgments take the form of stories about "totalitarianism" and the "banality of evil", free of obsolete criteria, but disclosive of the meaning of recent history.[xiii]

As many commentators noticed,[xiv] this account of storytelling restricts the capacity to judge to moments of crisis – when tradition no longer provides us with useful guidance. A broader understanding of spectatorship and stories emerges from her work on Kant's aesthetics. Here, she builds on the distinction between determinant judgment – the faculty that enables us to apply pre-given norms to a concrete situation – and reflective judgement, which works within the complexity of the situation and attempts to derive the general from the particular. The main figure in this account is the spectator – historian or artist – who can sufficiently detach herself from certain exemplary historical events to make sense of their historical novelty, without the help of "banisters."

The idea of "enlarged mentality", i.e. of imaginatively placing oneself in the shoes of the other, of "going visiting", is meant to show how the spectator's judgments gain validity.[xv] For Arendt, there is no Archimedean point from where to judge validity: given that politics is the realm of plurality, every point is Archimedean and judgment is perspectival.[xvi] The wider the scope of one's enlarged mentality, i.e. the higher the number of positions one occupies in making a judgment, the greater the judgment's generality.[xvii] In the process of "going

visiting" imagination plays a crucial role: it is through imagination that we take enough distance from the familiar so as to see things that would otherwise pass unnoticed. In visiting we aim to understand how a problem looks from the perspective of imagined others.[xviii] And artists are, in Arendt's view, more capable of taking enough distance to tell a story from an unfamiliar position, without thereby falling into the temptation of absolute separateness – something Arendt thinks is typical of most philosophers.[xix] Reflective spectators, on the contrary, only exist in the plural: judging is detached, but remains publicly spirited because the spectator populates her imagination with a cast of characters. In addition, she anticipates presenting her story to an audience that is invited to draw their own conclusions.[xx]

A good story, i.e. a story that can provoke reflection in the public, is one that "can make explicit the assumptions that determine the standards and practices of a particular regime but are so essential to its foundation and structure that they are never stated and, hence, not visible to outsiders or insiders but only to visitors."[xxi] For example, Arendt often referred to Kafka's stories that could shake a public out of its complacency by presenting as sinister what passed as "normal" in a society.[xxii] Such stories can invite the public' imagination to go visiting and imagine how an issue looks from the perspective of a different other. The hope is that the spectators, upon listening to the narration, will respond by working towards a change in their political universe.[xxiii]

What does this all mean for our interest in unmasking invisible injustices through denunciations? I argue that Shklar's passively unjust citizens are apathetic onlookers, who prefer to turn their eyes away from injustice: they fail to visit the perspective of the "unfortunate" other. They are not spectators in the Arendtian sense, they are willing prisoners of the language of "misfortune", who act in a world where large areas of human suffering have been neutralised and depoliticised. Reflective judgment has no place in these areas, for they are considered to be within the realm of necessity, outside the political.

Theatrical denunciations can tell stories that provoke the apathetic onlooker to become reflective about her own attitude to injustice. The theatrical format of the denunciation is relevant because the onlooker is, in a sense, confronted by the poet, who shows her how "misfortunes" look from the perspective of the victims. The passively unjust are challenged with silenced stories, stories that can show the inadequacy of the language of "misfortune" or "necessity". There is a relationship of homology between the concrete spectator who witnesses the story in the theatre and the onlooker who witnesses injustices in everyday politics. Because of the similar structure in the relationship between spectator/citizen – story/injustice, and because of the public nature of theatre, dramaturgical denunciations might be important means for driving home the message that we need to reflect on the categories through which we see the world.

But what stories are likely to provoke reflection and successfully help us see the world differently? Lisa Disch proposes that reflection-inducing narratives are different from both testimonies and illustrations of abstract principles:

> A skilful storyteller teaches her readers to see as she does, not what she does, affording them the "intoxicating" experience of seeing from multiple perspectives but leaving them with the responsibility to undertake the critical task of interpretation for themselves.[xxiv]

Given our interest in complex injustices, the novelty of denunciatory stories is not that they deal with the unprecedented, but that they teach the passive spectators to see as the storyteller sees: politically. In other words, they talk about *depoliticised* issues in a *political* language. Such language confronts us to see issues previously left outside the scope of the controllable as issues covered by human responsibility. The goal is to encourage passive onlookers to distance themselves from the narrative of "misfortune" and consider what kind of society they should build in the future, given the unsavoury past.

In what follows I will present two denunciations related to a history of political violence. H.I.J.O.S. and Thomas Bernhard denounced the henchmen of dictatorial Argentina and Nazi Austria and the passive onlookers who allowed injustices to remain unaddressed. My interest here lies not so much with the direct perpetrators, but with the wider public, who did not engage politically with their unsavoury past. Bernhard targeted the public's neutrality regarding the fact that Nazi officials still occupied positions of power decades after the war: his play *Heldenplatz* constitutes an exhortation addressed to all citizens to reflect on the myth of Austrian victimhood and re-imagine a different future. Similarly, H.I.J.O.S. targeted torturers and murderers from various levels in the hierarchy of command, but particularly the communities within which they led comfortable lives, decades after the fall of the regime. Their disruptive street performances were meant to provoke Argentineans to stop tolerating systemic impunity, at that time widely embraced as "necessary" for peace, and start discussing the flaws in the Argentinean democracy. In both cases, injustice had achieved the status of "misfortune." Austria had cultivated a narrative about the tragic occupation by Nazi Germany, while Argentineans had bought into the idea that justice was the price they had to pay for democracy: had the military not been amnestied and pardoned, they would have staged another coup. In what follows, I look at these two cases through the theoretical lenses offered by Shklar and Arendt and try to unpack the functions that theatrical denunciations can perform in a democracy.

III. Denunciatory Street Performance: H.I.J.O.S. and the *Eschraches*

Between 1976 and 1983, Argentina suffered under the violent rule of military juntas. During this period – also dubbed the "dirty war" – between 10,000 and 30,000 leftists "disappeared."[xxv] Naturally, the junta claimed not to have any knowledge of what was happening.[xxvi]

Just before losing power after the Falkland Islands war, the military passed a self-amnesty law, the 22924 National Pacification Law, meant – supposedly – to set the ground for reconciliation. This law stipulated a blanket amnesty for all subversive and counter-subversive actions organised between May 1973 and June 1982.[xxvii] Thus, the officers left power ensuring that human rights abuses would not be prosecuted.

Immediately after the elections, president Alfonsín argued against the constitutionality of the National Pacification Law, which eventually got nullified. As a consequence, the prosecution of the top military and leftist guerrilla fighters began.[xxviii] The 1985 trial of the junta leaders was met with great public excitement. The main narrative that came from the defence team was that the "dirty" methods used in the "dirty" war were justified as "necessary" given the left's desire to subvert the public order. In an attempt to neutralise injustice, the generals argued that, given the stakes of such a "war", every possible measure had to be taken.[xxix] The court remained unconvinced and Generals Videla, Massera, Agosti, Viola, and Lambruschini were convicted to time in prison.[xxx] The trial's main shortcoming was its not-so-clear stance on "due obedience." This ambiguity cleared the way for further prosecutions of lower-rank officers. Naturally, the military drew ranks and threatened to disrupt the already fragile peace.[xxxi] In response, the president and his aides prepared two laws intended to limit the impact of prosecutions. The first was the "Full Stop Law" (23492 *Punto Final*, 1986), which gave courts and prosecutors sixty days in which to press charges. Unexpectedly, the courts proved very diligent in prosecuting a great number of cases before the term expired, working even during their vacation period. As a consequence, the military organised a rebellion, which resulted in the passing of the "Due Obedience Law" (23521 *Obediencia Debida*, 1987). This law limited responsibility to the highest ranks of the military and halted proceedings for all the trials against middle-rank officers.[xxxii] The final blow for victims and their families came shortly after: President Menem pardoned all officers

convicted for their crimes in the "dirty war."[xxxiii] Menem argued that peace and democracy could not thrive for as long as there was a deep rift between civilians and the military. While survivors and relatives of victims fiercely contested his narrative, it slowly infiltrated the public culture of the Argentinean society.

From a socio-psychological point of view, these events had important repercussions on the Argentine society. On the one hand, one could observe widespread apathy and a highly problematic tolerance towards *los represores*, who continued to live next door to their victims and complacent bystanders. Argentineans serviced their cars in the garages where the regime's henchmen used to torture and kill its political opponents.[xxxiv] The discourse about the necessity of the amnesty laws and the pardons had become widely internalised. Torturers and murderers led peaceful lives in Buenos Aires, and were even invited to participate in talk-shows by journalists seeking high ratings. They could publicly recount their atrocities, under the protection of the law. Sometimes, they were elected to public office: impunity became normal.[xxxv]

On the other hand, strongly mobilised groups, especially those associated with the relatives of *desaparecidos*, began to put increased pressure on subsequent governments. Political mourning[xxxvi] became a new form of democratic participation and so were marches against impunity, litigation, and various public rituals that expressed the relatives' resistance and abhorrence towards the unjust laws.[xxxvii]

In this paper, I will look into the *escraches*, a form of public theatrical denunciation associated with H.I.J.O.S.,[xxxviii] the association founded by the children of the disappeared but boasting a wide social basis. *Escrachar* means, in the slang of Buenos Aires, "to reveal", "to uncover", "to expose". As rituals of disclosure and condemnation, the *escraches* became one of the most powerful weapons against the amnestied and especially against the generalised public complacency.

The *escrache* involved careful preparation and planning that started long before the date of the actual event. Gathering relevant and reliable information was the first step. H.I.J.O.S. usually relied on the archives of the *Madres* and on the legal documents that stipulated the victimiser's participation in the repression. Most of the *escracheados* had been prosecuted before the passing of the *Punto Final* law and the subsequent pardons, hence the information about their case was public and reliable.[xxxix] Finding a recent photo of the victimiser constituted a crucial task, since de-anonymising a victimiser required naming the name but also pointing out the face. Activists would then move into the public space of the neighbourhood, meet with community associations, artists, interest groups and individuals, hand out information about the identity of the victimiser, and mobilise the locals' support. Posters with the photo of the *represor*, his name, address, his crimes as well as the place, date and time of the *escrache* were distributed in advance.

On the day, the demonstrators would gather in a park or in any other common space and then march towards the assassin's house. They would carry giant dolls and effigies, play music, give speeches in which they named him as a torturer and warned his neighbours about his presence in their building or on their street. They distributed pamphlets, presented improvised theatre scenes, made lots of noise, wrote denunciations on the sidewalks and walls of the victimiser's house, rolled in military pigs-on-wheels, and symbolically threw red paint on the doorstep.[xl] A manifesto was typically read, promising that the struggle for justice would continue for as long as the state failed to deliver it. The image of a future community where impunity would no longer be tolerated served as a reference point at all moments in the *escrache*. Uncomfortable questions were asked in the street performance: "Did you know that your neighbour was a torturer? How do you feel about working with him? Or serving him lunch? Or selling him cigarettes?"[xli] The rallying slogan – "30,000 disappeared peers are present, now and forever" – meant that the voices of the disappeared could be heard through

the voices of the participants: their perspective could no longer be overlooked. Poster size photos of the disappeared made their symbolic presence even more powerful.

In many cases, the *represores*, knowing what was about to happen, would get the support of the courts and the police. The demonstrators would often find police pickets surrounding the house of the victimiser. Some actors would join the police lines bearing banners, which read: "Serving impunity." Sometimes, the neighbours joined the demonstrators in their denunciation and subsequently started avoiding the victimiser. This was the hoped-for effect of the demonstration: getting Argentineans to understand that the normalisation of impunity should be condemned and fought against peacefully: the future could look differently. Others shut themselves in their houses, turned off the light, and waited for the event to be over. Some parents took their children elsewhere, to prevent them from getting contaminated with this anti-social, "hooligan" behaviour.

A special kind of *escrache* uncovered places, rather than people. Such is the 2000 *escrache* of two torture and detention sites in Buenos Aires, the Olimpo and the Orletti garages. In such cases, the garages were re-described as "concentration camps." The activists would advance holding hands, singing or chanting: "Neighbours, listen up! Did you know that you live next to a concentration camp? While you were at home, cooking veal cutlets, people were being tortured in those camps."[xlii] By calling garages "camps", these places were re-integrated into the space of the political. The semantic shock was addressed to the passive neighbours, too busy cooking their meals when thousands of victims were being exterminated next door. The activists would write in yellow paint all the crimes committed in those horrid sites, thus marking the place as one of injustice, not one of car service. An alternative, political geography of the city emerges from the *escrache*: the audience is invited to examine the map of injustice from the perspective of those whose families had been exterminated and decide how they can reinvent the Argentinean democracy.

On a first reading, these performances mainly targeted the torturers and assassins, aiming to make it extremely difficult for them to lead a normal life. Once the denunciation was made publicly, the hope was that the victimiser would find it difficult to leave his house for fear of social censure. Given that the state had failed to send these wrongdoers to prison, the H.I.J.O.S. symbolically imprisoned them in their own house. Upon closer examination, however, it becomes clear that the main purpose of these rituals was to shake the conscience of the apathetic Argentinean onlookers and rally citizens' support in the effort to unmask and ostracise the hundreds of assassins living free and satisfying lives under the protection of the amnesty laws and Menem's pardon. Denouncing the normalisation of impunity, such rituals constitute strategies for re-politicising the public space in ways that discloses the inadequacy of the language of "historical necessity." Interpellation targeted the passive witnesses who, fearing inconvenience, condoned the abuses of the military. The hope was that, once citizens became aware that "necessity" was a sham, they could start a debate over what to do so as to remedy these important democratic deficits.

The *escraches* played an important role in raising awareness about the importance of the struggle for memory and justice in Argentina. Alongside sustained legal mobilisation and the political mourning of the *Madres*, these denunciations helped provoke reflection over citizens' duty not to tolerate grave injustice. By challenging the complacency of those who had not been victims of military repression and inviting them to rethink their position regarding the "necessity" of the amnesties, H.I.J.O.S. helped unmask not only the dictators and their henchmen – those who had been actively unjust – but also the silent onlookers – the passively unjust. By showing how "necessity" looks from the perspective of the families of the victims, the street performances forced whole communities to confront their own position to the past of injustice. The neighbours were, willy-nilly, concrete spectators to the dramatic story that the H.I.J.O.S presented. As onlookers, they faced uncomfortable truths. Impunity

was not a "necessity", but a *political* decision that tainted the Argentinean democracy and rendered it imperfectly legitimate.

The efforts by these civil society groups did not remain without results. The legal loophole that allowed for the first breakthrough in the fight against impunity was the fact that neither the amnesty laws, nor Menem's pardon covered crimes against babies. During the years of the dictatorship, babies born in prison had been stolen and given to military families who could not have children of their own. Once the widespread and systematic practice of stealing babies was uncovered, prosecutions of officers that had been formerly pardoned by president Menem began. On March 6, 2001, Federal Judge Gabriel Cavallo of the Buenos Aires Federal Court of Appeal ruled that the "Full Stop" and "Due Obedience" laws were unconstitutional.[xliii] In 2005, after a protracted quest for justice, the Supreme Court definitively invalidated these abhorrent laws.[xliv] Twenty-two years after the end of the dictatorships, the argument about the "necessity" of the dirty war and of these legal instruments no longer held.[xlv] As a particularly important mark of the success of the *escrache*, this form of protest has been taken over by others groups who are currently using it for denouncing banks, the police, ministers, companies, polluters and others.[xlvi]

IV. Denunciation in the Burgtheater: Thomas Bernhard's *Heldenplatz*

Thomas Bernhard is one of Austria's most renowned writers, both at home and abroad. He is, at the same time, one of the most controversial figures of the 20th century Austrian art scene: somebody one can either deeply appreciate or deeply hate. Given the focus of this paper, I will present Bernhard as an exemplary denunciator of Austria's participation in the Holocaust and its subsequent efforts to portray itself as Hitler's first tragic victim. While Bernhard's condemnation of his compatriots' support for National-Socialism emerges again and again throughout his work, it is *Heldenplatz* – his last play – that constitutes the clearest

enunciation of his uncompromising indignation at the racism permeating Austria fifty years after its peaceful annexation by Nazi Germany – the *Anschluss*.

The "victim theory" – the theory according to which Austria was overpowered by Nazi Germany and annexed at the point of a bayonet – played a crucial role in its political and cultural definition as a distinct state after World War II.[xlvii] The annexation was described as an aberration in Austrian history, a tragic and unavoidable event. Austrians embraced this theory as a convenient alibi in post-war negotiations.[xlviii] What is more, it was conveniently invoked to avoid any discussion of the support Hitler enjoyed in Austria and the warm welcome he received upon arriving in Heldenplatz in 1938. The "beneficiary" of a much more restricted denazification, Austria was marred by political and cultural continuities with a past of shameful complicity in Nazi crimes.

Bernhard – born in 1931 – was among the first in his generation to denounce this reality. He knew that many in positions of power had been National-Socialists. Particularly shameful for Austria – the self-styled country of "high culture" who supposedly "survived" Nazism only through its culture – many managers of the cultural institutions and winners of the most prestigious cultural awards after the war had been National-Socialists.[xlix] As an actor and playwright, he knew that returning Jewish actors had to play alongside Nazi actors.[l] Bernhard took it upon himself to shed light into the darkness cultivated by all beneficiaries of this myth. He was particularly bothered by how his generation had been gullible enough to believe the story their parents told them.[li] For the fierce, vitriolic, unambiguous language that his characters spoke in denouncing the Austrian founding myth, Bernhard won the "honorary" title of *Nestbeschmutzer* (nest soiler).

Of all his plays and novels, none got as much attention – both positive and negative – as *Heldenplatz*.[lii] The play tells the story of a Jewish family who fled to Britain during World War II and whose members returned to Vienna in the 1980s, only to be confronted with the

same anti-Semitism they ran away from in 1938. In the first scene, through the voices of two servants, we learn that brothers Josef and Robert Schuster, both intellectuals, had fled – with their families – at the beginning of the conflagration and had worked as professors in Oxford and Cambridge. In the 1980s they return to Vienna in search of the wonderful cultural life that, as Austrians, they longed for while abroad. They find, however, that they can no longer find a home – culturally and literally – in Austria. Robert retires to the countryside and resigns himself to his own impending death. Josef's wife suffers from deep psychological trauma, re-activated by her return to the apartment overlooking Heldenplatz, from where she heard the crowds cheering Hitler in 1938. Josef, a strict perfectionist, an erudite and a perfect patriarch, could no longer tolerate the presence of Nazis in Vienna. He jumps to his own death from the balcony of the same apartment.

The key moments are in the second scene, when Robert and Josef's two daughters, Ana and Olga, walk home from the cemetery. They stop for a rest in Volksgarten Park. Through the fog the audience can see the image of the Burgtheater at the back of the stage. The Burgtheater is one of the three most important artistic institutions of Austria, along with the Staatsoper and the Musikvarein, and the play premiered there. Robert and Ana discuss the plight of their family and locate the source of their misfortune in the enduring racism and historical hypocrisy of the Austrians. The language is extremely strong and repetition drives the message home unambiguously. In Ana's words:

"today things are really
the way they were in thirty-eight
there are more Nazis in Vienna now
than in thirty-eight"[liii]

Robert shares his niece's evaluation:

"being a Jew in Austria always means

being sentenced to death

People can write and say what they like

hatred of Jews is the true and unadulterated nature

of an Austrian

Before thirty-eight the Viennese

had got used to the Jews

but now since the war they cannot get used to the Jews

and they will never get used to the Jews (...)

If they were honest

they'd love to gas us

today just as they did fifty years ago

that's what's going on inside people

I'm not mistaken

if they could they'd kill us even today

without scruple."[liv]

Having returned in search of their image of Austria as the land of sublime culture, of good music and coffee houses, the family had to face the pervasiveness of National-Socialist sentiments even in the most important cultural institutions. Josef could neither screen them out, nor could he, a city creature, withdraw in the countryside like his brother. His only exit was suicide.

The third scene takes place in the Schusters' apartment. Robert reiterates his conviction that "in every Viennese there is a mass murderer" and that "under the surface National Socialism has been back in power for a long time."[lv] The culminant moment of the play is the collapse of Josef's wife, who has an attack during the dinner. While Robert is busy sharing his invectives with the guests at the dinner table, Frau Schuster starts hearing the

sound of cheering crowds coming from Heldenplatz and, as the noise in her mind grows stronger, she falls face-forward on the tabletop. The play ends with everyone's shock at the sight.

The impact of the play cannot be understood without an excursus in the circumstances in which it was first played. Its performance came in the wake of the Waldheim affair. UN Secretary General and former Nazi officer, Kurt Waldheim was elected president of Austria in 1986, in spite of the airing of documents about his membership in the Nazi party, the SA and the Wehrmacht. His election as president was symptomatic of Austrians' relationship to their past.[lvi] Bernhard wrote the play at the invitation of the director of the Burgtheater, Claus Peymann, for the occasion of the centenary of its building in 1988.[lvii] The centenary coincided with another "anniversary": 1988 marked the passage of fifty years since the *Anschluss*. Initially, Bernhard did not want to write a new play, he felt he had said all he had to say about Austria's lie in his previous work. Instead of a new play, he reportedly recommended that all the stores formerly owned by Jews in Vienna should bear a sign saying "judenfrei" (Jews-free). Eventually Peymann convinced Bernhard to write the play, and the opening night was set for October 14, 1988.

The period before the premiere was marked by a number of controversies. In May 1988, Peymann gave an explosive interview to an important newspaper, in which he criticised the actors and the corruption of the artistic establishment, while affirming his belief that theatre could spark social change. Given the centrality of the theatre in the Austrians' identity, his statements were not taken lightly. That same summer fierce debates erupted between conservatives and the socialists over the location of a memorial by Alfred Hrdlicka dedicated to Jewish victims. The Socialist mayor of Vienna decided that it should be placed downtown, in the Albertinaplatz. The conservatives opposed this decision vehemently and

recommended its placement at a much less prominent location. In the end, the monument was installed centrally, to the dismay of its opponents.[lviii]

Things got even tenser when the most inflammatory pages from *Heldenplatz* were leaked to the press. Many political figures felt outraged that public money should be spent on art that "defamed" the nation. Jörg Haider – the rising star of the political right – and Waldheim himself were the first to call *Heldenplatz* "an insult." Waldheim asked for the play to be censored – the only time in the history of the second republic that a president had made such statements.[lix]

A second memorial dedicated to the victims of the Nazis – built by Hans Haacke and located in Graz – was set on fire by neo-Nazis just before the opening night of the play.[lx] The event vindicated Bernhard, but aggravated the tensions. The main conservative newspaper indicated that setting the Burgtheater itself on fire was not "too hot": they even published an image of the building in flames on their front page.

The play eventually opened on the 4th of November 1988 – five days before the fiftieth anniversary of the *Kristallnacht*. Two hundred policemen were deployed to ensure order. Rightwing activists dumped a load of manure in front of the theatre, a denunciation of the denunciator. The show was sporadically disturbed by hecklers and catcallers, whose vituperations confirmed Bernhard's diagnosis of the "disease" that part of the Austrian public suffered from.

The fact that Bernhard provoked such vehement reactions from his compatriots shows that he knew their weak spots and that a re-politicisation of history was overdue. It was communicated through the medium of art, a medium Austrians claim to be theirs naturally. The timing was symbolic, bringing together the anniversaries of the *Anschluss* and the *Kristallnacht* – two shameful events – and that of the building of the Burgtheater – one of the artistic institutions Austrians are most proud of. The play premiered in the Burgtheater,

whose building was also part of the set: the boundary between play and reality was blurred to maximal effect.[lxi] Rather than offering homage to "high culture" the play unmasked culture's complicity in reproducing a story of "misfortune" and asked Austrians: "Is this the kind of society you want to be?"

Robert directs his invectives at the public in a way they can understand him. He is an Austrian by all accounts – tastes, habits, and loyalties – but one: he is a Jew. The style leaves no room for interpretation or ambiguity. Exaggeration – Bernhard's favourite stylistic device – is taken to the extreme: through ruthlessly repeated accusations, Robert condemns Austrians for their participation in the Holocaust and the perpetuation of a convenient lie: the lie that Austria was the tragic victim of a historical "catastrophe." The founding myth is redescribed as a lie, not a tragedy: Austria had been a perpetrator, not a victim. At the same time, he invites the younger generations to reflect on the problematic myth their parents inculcated them with and debate the repercussions this self-serving distortion has for Austria.[lxii]

Heldenplatz constitutes the best testimony of Bernhard's "permanent rage against the moral catastrophe of Austrian history, and against post-war Austria's failure to face that history. (…) an unforgiving, unapologetic venomously impassioned satire."[lxiii] It divided the public: some celebrated it, others vilified his writer. The consensus today is that the play trapped the Nazis in positions of political power at the time and their supporters into revealing their undemocratic stances. At the same time – and most importantly – the play represented a wake-up call for the onlookers who turned a blind eye to this problematic reality. They heard the voice of a silenced victim, a voice that offered a different take on a problematic past.

Bernhard's sanity was questioned and he was physically attacked in the street. He survived the opening night for three more months. In his will, he forbade the publishing of his

works and staging of his plays in Austria for the entire duration of the copyright. This was his final rejection and condemnation of his country. Austrians found a way to overrule his will and Bernhard is now one of the most read and studied authors in the country.

While his work provoked great uproar in 1988, Austria is today a more reflexive place and it can be safely argued that Bernhard's work had something to do with it. Nobody today would disturb the staging of *Heldenplatz* and no politician would oppose it. The play triggered impressive political debates that gradually re-oriented the public common sense in the country: the denunciation was successful. What is more, it is generally agreed that Bernhard is part of the Austrian Pantheon. Decades later, he is one of the most exported Austrian cultural product and the first in a long chain of authors who undertook the task of social criticism.

V. Conclusions

The two denunciations examined here provoked important public reactions. The semantic shocks the H.I.J.O.S. and Bernhard provoked were achieved not by coming up with new categories, but by calling "catastrophes" by their proper name: injustices. They politicised the realm of necessity through performances that managed to invite the passive onlooker to reflect on the categories through which she saw the world. The hope was that she would thus become a reflective spectator, ready to enter deliberation about the relationship of the past to the present and the future. In both cases stories played a disclosive function by using a political language in realms where it had not been applied before: to the realm of historical necessity or catastrophe.

H.I.J.O.S. primarily aimed to expose the passive spectators who had gotten used to impunity. They tried to shake the public's comfortable complacency by redrawing the political map of Buenos Aires. By naming names and naming places, the street artists invited

citizens to imagine how the city looked from the perspective of the victims and their families. Could they imagine what it felt like to eat, walk or read a newspaper next to the one who disappeared one's relatives? Could they imagine what the victims felt in a society where impunity had become natural? Would they continue to service their cars in places where thousands of lives had been wasted? Having been informed about who these "respectable men" actually were, how did they see the future of the Argentinean democracy? In what terms should the debate be held? By asking these uncomfortable questions, H.I.J.O.S. symbolically brought to life the disappeared, whose voice could be heard in the chanting of the *escrache*. Given that today, long after the end of impunity, *escraches* are still organised to deal with other depoliticised issues such as market inequalities and corruption, one can argue that amateur theatrical denunciations represent an important form of political mobilisation with great impact on the health of the Argentinean democracy.

In contrast to the H.I.J.O.S., Bernhard was invited to write for a particular occasion. The context of the premiere was incendiary, as was the content of the play. Bernhard used repetition and hyperbolae to drive home the message that life was impossible for the returning Jews, fifty years after the Annexation. Robert's tirades are unforgiving and are told in a language that Austrians can perfectly understand, the language of the cultured elite. His biting criticism targeted Austria's most cherished institutions. This exercise in exposure called on citizens to enter honest debates about the way in which they related to their past.

While H.I.J.O.S. and Bernhard performed similar functions within their home societies, the differences between the two cases also need discussion. Berhnard was a professional playwright, enjoying a high level of notoriety at the time of the premiere of *Heldenplatz*. He was a consecrated writer, with a long and rich career behind him. As the coryphaeus of theatre in a country that lived for culture, he commanded the undivided attention of the public and the mass media. Moreover, the premiere of

Heldenplatz **came at a highly charged moment: the anniversary of the Burgtheater, which coincided with the anniversary of the *Anschluss* and of the *Kristallnacht*. In contrast, H.I.J.O.S. had first to struggle to affirm themselves as a political movement. The organisation included the relatives of the disappeared and a large number of young Argentinean citizens who, without having themselves suffered losses during the dictatorship, identified with the political cause of the organisation. Their only venue was the street. Given their youth and the lack of public recognition for their cause, their task can be said to have been even more difficult than that facing Bernhard. One should not forget, however, that Argentina did experiment with transitional justice in the 1980s – something that Austria had not even considered at the time of the premiere. By capitalising on this precedent and by institutionalising their protest theatre, H.I.J.O.S. managed to have a comparable impact to that of Bernhard's scathing play.**

Before concluding, let me consider a potential criticism: one might argue that denunciations are not usually understood to be dialogical and political in the way Arendt understands the political. This paper argues that, in challenging the terms of the political consensus, they represent important political interventions, meant to re-open prematurely closed debates. In this sense, they did not constitute final verdicts. On the contrary, the artists invited the audience to listen to an alternative view and make up their own mind on whether a political debate was appropriate. In intervening publicly, denunciators disclosed themselves and assumed some risks: Bernhard earned the nickname of *Nestbeschmutzer*, the H.I.J.O.S. were called "hooligans." Initially, denunciations partially back-lashed: many passive onlookers refused to take up the invitation to deliberate sincerely. However, in retrospect, we can see that the professional artist, as much as the amateurs, succeeded in destabilising the language of "misfortune", presented spectators with an alternative way of thinking about their past, and invited them to imagine a more inclusive future.

[i] I presented earlier versions of this paper at the annual conference of the Association for the Study of Law, Culture and the Humanities, Birkbeck, University of London and the general conference of the European Consortium for Political Research, University of Bordeaux, both held in 2013. I am grateful to those who read and commented on these earlier versions: Inder Marwah, Leah Soroko, Audra Mitchell, Mara Marin, Linda Zerilli, Alessandro Ferrara, Claudio Corradetti and Anders Berg-Sørensen. The two anonymous reviewers made important suggestions, for which I thank them. Special thanks are owed to Mathias Thaler, who long ago introduced me to the world of Thomas Bernhard and who offered particularly insightful comments for the theoretical part of this paper.

[ii] Luc Boltanski, *Love and Justice as Competences* (Cambridge: Polity, 2012), 169.

[iii] Pierre Bayle, *The Dictionary Historical and Critical of Mr Peter Bayle* (New York: Garland Publishing, 1984).

[iv] See the special issue in *Journal of Modern History* 68 (1996); Vandana Joshi, "The 'Private' became 'Public': Wives as Denouncers in the Third Reich," *Journal of Contemporary History* 37(2002): 419–435; Peter Anderson, "Singling Out Victims: Denunciation and Collusion in the Post-Civil War Francoist Repression in Spain, 1939–1945," *European History Quarterly* 39(2009): 7–26.

[v] To illustrate, this category covers the letters that French citizens wrote to denounce their compatriots as traitors to the occupying German authorities during WWII, the denunciations of American citizens by American citizens of during the communist scare era or the denunciation of Soviet citizens by Soviet citizens to the authorities for counter-revolutionary activities during the Stalinist dictatorship.

[vi] Judith Shklar, *The Faces of Injustice* (New Heaven: Yale University Press, 1990), 37.

[vii] Shklar, *Faces*, 1.

[viii] Shklar, *Faces*, 5.

[ix] Shklar, *Faces*, 41–48.

[x] For in-depth analyses see Ronald Beiner, "Interpretive Essay" in Hannah Arendt, *Lectures on Kant's Political Philosophy* (Chicago: University of Chicago Press, 1992). Majid Yar, "From Actor to Spectator: Hannah Arendt's 'Two Theories' of Political Judgment", *Philosophy and Social Criticism* 26(2000): 1–27. Valentina Gueorguieva, "Les deux faces du sens commun", *The Canadian Review of Sociology and Anthropology* 40 (2003): 249–265. María Pía Lara, *Narrating Evil* (New York: Columbia University Press, 2007). Alessandro Ferrara, *The Force of the Example* (New York: Columbia University Press, 2008). Mathias Thaler, "Political Judgment between Paralysis and Heroism," *European Journal of Political Theory* 10(2011): 225–253.

[xi] Ernst Vollrath, "Hannah Arendt and the Method of Political Thinking," *Social Research* 44 (Spring 1977): 160–82; David Luban, "Explaining Dark Times: Hannah Arendt's Theory of Theory," *Social Research* 50 (1983): 215–47; Seyla Benhabib, "Hannah Arendt and the Redemptive Power of Narrative," *Social Research* 57 (1990): 167–96.

[xii] Lisa Disch, "More Truth Than Fact: Storytelling as Critical Understanding in the Writings of Hannah Arendt," Political Theory 21(1993): 665–694; Lara, *Narrating*.

[xiii] Hannah Arendt, "Understanding and Politics," *Partisan Review* 20(1953): 377–392.

[xiv] Maurizio Passerin d'Entrèves, *The Political Philosophy of Hannah Arendt* (London: Routledge, 1994); Ronald Beiner, "Rereading Hannah Arendt's Kant Lectures," *Philosophy and Social Criticism* 23(1997): 21–32.

[xv] Arendt, *Lectures.*

[xvi] Luban, "Explaining," 229.

[xvii] Arendt, *Lectures.*

[xviii] See Linda Zerilli, "'We Feel Our Freedom': Imagination and Judgment in the Thought of Hannah Arendt," *Political Theory* 33(2005): 158–188.

[xix] Hannah Arendt, *Men in Dark Times* (London: Jonathan Cape, 1970).

[xx] Lisa Disch, *Hannah Arendt and the Limits of Philosophy* (Ithaca: Cornell University Press, 1994): 154.

[xxi] Disch, *Arendt*, 189.

[xxii] Hannah Arendt, "Franz Kafka: A Revaluation," *Partisan Review* 11(1944): 412–422.

[xxiii] One could make the argument that any discussion of Arendt's understanding of spectatorship in relationship to contexts of injustice cannot be complete without a consideration of her *Eichmann in Jerusalem*. After all, this is a book dedicated to legal theatrics and to the way in which national history can be written by means of a criminal trial. I think *Eichmann in Jerusalem* does not clearly bear on the argument advanced in this paper. The book is dedicated to legal justice, to the trial of a criminal whose guilt had never been in doubt. In contrast, the paper is dedicated to invisible injustices, which are often not codified legally and which are frequently portrayed as "misfortunes". Arendt focuses on legal theatricality, which she sees as problematic because it can lead to miscarriages of *legal* justice. Instead of precisely apportioning guilt, law was used for the purpose of writing historical narratives. The prosecution wanted to tell the tale of heroic Jewish resistance to the young Israeli generation, and it did so by allowing numerous victims – some of whom were not connected to Eichmann in any way – to tell the story of their suffering unconstrained. A lot of attention was paid to survivors and their trauma, often neglecting procedural protections for the defendant. Historical instruction and the normative reconstruction of the nation were prosecutor Hausner's main objectives. Arendt understood that, from a legal, procedural point of view, such objectives were problematic. This is what led her to criticise the prosecution's dramatic tropes and Hausner's inappropriate relationship with the mass media. This is what led her to write that (legal) justice *demands seclusion, it permits sorrow rather than anger,*

***and it prescribes the most careful abstention from all the nice pleasures of putting oneself in the limelight.* [*Eichmann in Jerusalem* (New York: Penguin Books, 2006), p. 6]. Legal justice must satisfy a number of procedural constrains that non-legal theatre, aiming at uncovering pervasive – yet invisible – injustices, need not fulfill. I thank one of the journal's anonymous reviewers for this challenging comment.**

[xxiv] Disch, "More Truth," 687.

[xxv] This refers to the kidnapping, illegal imprisonment, torture, and killing of persons suspected of left-wing subversion.

[xxvi] Douglas Jacobson, "A Break with the Past or Justice in Pieces: Divergent Paths on the Question of Amnesty in Argentina and Colombia," *Georgia Journal of International and Comparative Law* 35(2006–2007): 135–204.

[xxvii] Law of National Pacification 22924, Sept. 22, 1983, [XLIV–A] 1681 in Jacobson, "A Break with the Past," 187.

[xxviii] HRW Reports, "Argentina, Reluctant Partner: The Argentine Government's Failure to Back Trials of Human Rights Violators," 13(2001), accessed January 24, 2013, http://www.hrw.org/legacy/reports/2001/argentina/index.html#TopOfPage.

[xxix] National Appeals Court, "Judgment on Human Rights Violations by Former Military Leaders," 1985, *International Legal Materials* 26 (1987): 317–372.

[xxx] Members of the juntas. HRW Report, "Argentina."

[xxxi] See Mario Di Paolantonio, "Tracking the Transitional Demand for Legal Recall: The Foreclosing and Promise of Law in Argentina," *Social Legal Studies* 13 (2004): 351–375.

[xxxii] Decree 2741–43/12.30.90, HRW Report, "Argentina."

[xxxiii] HRW Reports.

[xxxiv] Diana Taylor, ""You are Here": The DNA of Performance," *The Drama Review* 46(2002): 149–169.

[xxxv] Suzana Kaiser, "*Escraches:* Demonstration, Communication and Political Memory in Post-Dictatorial Argentina," *Media, Culture and Society* 24 (2002): 499–516.

[xxxvi] Form of protest by *Madres de Plaza de Mayo*.

[xxxvii] Michael Humphrey and Estela Valverde, "Human Rights, Victimhood, and Impunity: An Anthropology of Democracy in Argentina," *Social Analysis,* 51(2007): 179– 97.

[xxxviii] H.I.J.O.S. stands for "Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio": http://www.hijos–capital.org.ar/.

[xxxix] Diego Benegas, "The Escrache is an Intervention on Collective Ethics," *Hemisferic Institute Web Cuadernos* 2008*,* accessed January 24, 2013 http://hemisphericinstitute.org/cuaderno/politicalperformance2004/totalitarianism/WEBSITE/texts/the_escrache_is_an_intervention.htm.

[xl] Kaiser, "*Escraches*"; Taylor, "'You are Here'"; Benegas, "The Escrache."

[xli] Taylor, "'You are Here'," 151.

[xlii] Discussed in Taylor, "'You are Here'."

[xliii] CELS, "Pedido de inconstitucionalidad de las leyes de punto final y obediencia debida – Caso Poblete," November 1, 2007, http://www.cels.org.ar/documentos/index.php?info=detalleDoc&ids=3&lang=es&ss=&idc=592 (accessed January 24, 2013).

[xliv] "Simon, Julio Hector y otros s/privación ilegítima de la liberdad, etc." S1767 (XXXVIII), http://www.unhcr.org/refworld/country,,,CASELAW,ARG,4562d94e2,4721f74c2,0.html (accessed January 20, 2013).

[xlv] Gradel argues that the *escraches* created an alternative common sense. Sergio Gradel, "Política, Memoria y Justicia" *Revista Electrónica del Instituto de Investigaciones "Ambrosio L. Gioja"* V (2011): 289–298.

[xlvi] Charlotte Turner, "If there's no justice, there's escrache!" *The Argentina Independent,* July 2007, accessed January 24, 2013, http://www.argentinaindependent.com/socialissues/humanrights/if–theres–no–justice–theres–escrache/.

[xlvii] Günther Bischof and Anton Pelinka (eds), *Austrian Historical Memory and National Identity* (New Jersey: Transaction, 1997); Anton Pelinka, *Austria: Out of the Shadow of the Past* (Boulder: Westview Press, 1998).

[xlviii] Judith Beniston (ed.), *Hitler's first victim?* (Leeds: Maney, 2003).

[xlix] Honegger explains that we cannot understand Bernhard's critique and its impact unless we consider the importance of art in the Austrian identity. Gitta Honegger, *Thomas Bernhard* (New Heaven: Yale University Press, 2001).

[l] Honegger, *Bernhard,* 281.

[li] Dagmar Lorenz, "The Established Outsider: Thomas Bernhard" in Matthias Konzett (ed.) *A Companion to the Works of Thomas Bernhard* (Rochester, Camden House, 2002), 44.

[lii]The title of the play refers to *The Heroes' Square*, where Hitler was welcome in 1938.

[liii] Thomas Bernhard, *Heldenplatz* (London: Oberon Books, 2011) 55.

[liv] Bernhard, *Heldenplatz*, 93.

[lv] Bernhard, *Heldenplatz*, 96, 109.

[lvi] Ruth Wodak, "The Waldheim affair and anti-Semitic prejudice in Austrian public discourse," *Patterns of Prejudice* 24(1990): 18–33.

[lvii] I rely here on Honegger's book.

[lviii] James E. Young, *The Texture of Memory* (London: Yale University Press, 1993), 104–112.

[lix] Charles W. Martin, *The Nihilism of Thomas Bernhard* (Amsterdam: Rodopi, 1995), 221.

[lx] Young, *Texture*, 97–104.

[lxi] For the geographical symbolism, see Jeanette R. Malkin, "Nazis in the Bernhard Soup: The Political Bernhard Revisited," The Institute for German History, Israel, 2001, http://www.tau.ac.il/GermanHistory/malkin.htm, accessed February 6, 2013.

[lxii] Donald G. Daviau, "Thomas Bernhard's 'Heldenplatz'" *Monatshefte* 83(1991): 29–44.

[lxiii] Stephen D. Dowden, "A Testament Betrayed: Bernhard and His Legacy" in Konzett, *Companion,* 52.